

Our Lady Star of the Sea Catholic Nursery Camera and Image Policy

Mission Statement

"You are precious in my eyes" - Isaiah 43

- *Our Lady Star of the Sea Catholic Nursery is committed to the widest and fullest education of all pupils in a partnership between home, nursery, parish and community.*
- *Our nursery aims to create a happy, ordered environment where all members feel secure, valued and respect each other.*
- *Our nursery aims to be a positive force within the Catholic Church inspired by the life of Christ in the Gospels*

Introduction

The use of cameras is considered an essential and integral part of everyday life. As such, children and practitioners are to be encouraged to use such technology in a positive and responsible way. It has to be recognised however, that digital technology has increased the potential for cameras and images to be misused and inevitably, there will be concerns about the risks to which children may be exposed.

At Our Lady Star of the Sea every practical step is taken to ensure that the use of cameras and images will be managed sensitively and respectfully. A proactive and protective ethos is reflected which aims to promote effective safeguarding practice. It must however be acknowledged that technology itself will not present the greatest risks, but the behaviours of individuals using such equipment will.

Aim

The Camera and Image Policy will aim to ensure safer and appropriate use of cameras and images through agreed acceptable use procedures. This is to be in line with legislative requirements and will aim to respect the rights of all individuals.

Scope

The Camera and Image Policy will apply to all individuals who are to have access to and/or be users of work-related photographic equipment. This will include children, parents and carers, practitioners and volunteers, students, committee members, visitors, contractors and community users. This list is not to be considered exhaustive.

The Camera and Image Policy will apply to the use of any photographic equipment. This will include mobile phones with inbuilt cameras as well as other forms of digital technology and resources for storing and printing images.

Responsibilities

The Senior Designated Person for Safeguarding (**SDPS- Barbara Draper**) is to be responsible for ensuring the acceptable, safe use and storage of all camera technology and images. This will include the management, implementation, monitoring and review of the Camera and Image Policy.

Legislative framework

This policy complies with the requirements of the Data Protection Act 2018, Freedom of Information Act 2000, GDPR (2018), Human Rights Act 1998 and other relevant Acts regarding the taking and use of photographic images of children.

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All images will be used in a manner respectful of the eight Data Protection Principles. This means that images will be:

- fairly and lawfully processed
- processed for limited, specifically stated purposes only
- used in a way that is adequate, relevant and not excessive
- accurate and up to date
- kept on file for no longer than is necessary
- processed in line with an individual's legal rights
- kept securely
- adequately protected if transferred to other countries. Where necessary, registration as a data controller will be applied for to allow personal information to be processed.

Code of conduct

All early years practitioners must ensure that the policy and procedures included herein are to be adhered to at all times. The use of cameras and other photographic equipment is only to be authorised by the SDPS.

Practitioners should only use such equipment for purposes as designated by the Senior Designated Person for Safeguarding. It must be recognised that individuals may be given different levels of responsibility in terms of authorised use. Wherever practical, cameras and other photographic equipment will be designated for work-related purposes only.

The use of personal photographic equipment is not permitted. Should it be considered that such use is not to be precluded for a given reason, explicit authorisation must be obtained from the Senior Designated Person for Safeguarding and all relevant details of use are to be recorded.

The use of personal USB sticks, the transferring of images via free unfiltered web mail or via mobile media is avoided. Should remote access be given to servers or systems where images are to be stored, access will only be given as authorised by the Senior Designated Person for Safeguarding.

The Senior Designated Person for Safeguarding reserves the right to view any images taken and/or to withdraw or modify an individual's authorisation to take or make images at any time.

Practitioners must ensure that all images are available for scrutiny and be able to justify any images in their possession.

The Senior Designated Person for Safeguarding will be responsible for ensuring the safe storage of all images, in accordance with the Camera and Image Policy.

Practitioners have a duty to report any concerns relating to potential misuse.

Clear whistle-blowing procedures are in place.

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An anonymous reporting system will also be promoted and used to facilitate this process.

Consent

Statement of intent

General signed consent to take photographs or record images of children will be requested from the parent or carer on enrolment of their child. The purpose for taking any images is clearly explained and agreed.

Any consent given is reviewed on a regular basis or until such time the child or young person will no longer attend the setting.

This consent will cover the taking of images for general purposes, such as taking photographs which will be used to document children's learning.

Consent is requested because an image of a child is considered to be personal data under the Data Protection Act 2018, and consent must be obtained as a requirement of the Act. *Photographs of living people are **personal data** and therefore fall under the **Data Protection Act** and must be treated accordingly.*

The requirement for consent will be applied to all children. The child's view is to be considered at all times, regardless of age.

It is recognised that some children will be more vulnerable than others, for example disabled children, children in care, those with a child protection or child in need plan, children with English as an additional language, black, minority and ethnic children and those who have been subject to domestic abuse. For a range of reasons, such children's security may be compromised more than others, and therefore extra precautions must be considered in such circumstances.

Procedures

Prior consent will always be obtained in writing before any images are taken. Verbal consent will not be accepted.

If it should not be possible to obtain prior written consent, no images will be taken involving the individual children. Individuals who do not have parental responsibility, such as childminders, friends or other relatives will not be able to give such consent.

Only consent provided by a parent or carer with parental responsibility is accepted.

The parent or carer reserves the right to refuse or withdraw their consent at any time.

Partial or restricted consent may also be given where deemed necessary by the parent or carer.

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Specific consent for the use of images for purposes other than those previously stated and agreed will be requested, for example, should images be required for publicity materials or to support the training needs of practitioners. Such consent will detail how the photographs are to be used and for what period of time such permissions will cover.

Images will not be used for anything other than the stated purposes; unless additional revised consent is obtained.

Images of children who no longer attend the early years setting will not be used, unless specific consent has been obtained to cover this extended period. Generally, consent to use images will lapse should a child leave the setting.

Should it not be possible to obtain such consent, such images are to be returned to the individual concerned or destroyed.

Images

Statement of intent

It must be recognised that children could be exposed to potential risk should images be misused, including:

- the making, taking and distribution of inappropriate and indecent images.
- grooming (the process by which child sex offenders and paedophiles will befriend victims through direct or indirect contact, often preceded by efforts to gain personal information about the child).

It must be remembered that such incidents fortunately remain very rare; but it should also be understood that detailing such concerns will often raise further anxieties and will make many individuals feel uncomfortable. It must be acknowledged however, that the first step towards minimising any danger will have to have a fuller understanding of what constitutes a risk and what behaviours may compound it.

Protective and precautionary measures are therefore considered when taking, making or using images of children.

All practitioners are aware of the potential for images to be subject to misuse.

Procedures

The purpose and context for any proposed image is always considered.

It is determined whether taking a photograph or video, for example, will be the most effective option or whether alternative methods of capturing information are to be judged more appropriate in the given circumstance.

Careful consideration is always given before involving young or vulnerable children who may be unable to question why or how activities are to take place.

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Sensitivity is shown to any child who is to appear uncomfortable; and the potential for misinterpretation is recognised. Images will therefore not be taken of any child against their wishes.

Coercion is not used to encourage a child or young person to participate when it has been indicated that they clearly do not want to be involved. A child's right not to be photographed is always respected.

The taking or making of images of a child in a one to one situation with an adult is avoided whenever possible; unless there is an agreed, specified reason for doing so.

It is recognised that the context of such situations is likely to be perceived as sensitive and the use of cameras will be seen as intrusive and open to misinterpretation. It is recognised that this may leave both the adult and child in a vulnerable position and is therefore not to be considered accepted practice.

It is recognised that individual close up pictures of a child or young person often provides little context or purpose, and most often, an image of a group of children will show an activity or situation to better effect. Unnecessary close up pictures of an individual child or young person with no surrounding context or purpose is therefore avoided. The vast majority of photographs taken in the setting environment will therefore be general shots of whole or small group activities.

Where group photographs of children and young people are to be planned, permission will be obtained from all parents and carers. If any parent or carer has indicated that their child is not to have a photograph taken then a group photograph will not be considered appropriate.

Photographs are not taken of any child should they suffer an injury; whether it is to be considered accidental or non-accidental. This will be deemed a misuse of power which will potentially cause the child to become distressed or to feel humiliated.

Where necessary, medical help will be sought, and in the case of a suspected non-accidental incident the Safeguarding Policy will be implemented with immediate effect.

All images taken should represent the diversity of the children who attend the nursery.

No child is to be favoured in photographs.

Images which could be considered to cause distress, upset or embarrassment will not be used.

Images of children must only be taken when they are in full and suitable dress. In no circumstances, are images to be taken of children in any state of undress. Should children and participating in sport activities, careful consideration must be given to the appropriateness of taking such images, in particular the angle of which shots may be taken.

The taking or making of images in sensitive areas of the nursery environment, for example, toilet cubicles and changing areas are not permitted.

Particular care is to be taken where images are likely to be viewed by others, including the general public. It is ensured that if, on occasion, a child is to be named (for an agreed reason) in any published text, for example, in the prospectus, a photograph of the child will not appear.

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The minimum amount of information possible is to be provided to preserve the identity of children and young people at all times. No personal details, such as home telephone numbers, email or home addresses are to be disclosed in any written or verbal communications. This is to include information that will contribute to the personal profile of a child.

Consideration is always given to where images are to be published. This will also include where parents are encouraged to be involved with learning. These systems are designed to enable parents and carers to access their own child's photographs and work safely. It is understood that the need to obtain consent for the use of images, is to be applied to adults as well as children.

Using images of children supplied by a third party

Statement of intent

It is recognised that photographs and other images are subject to copyright, which generally rests with the photographer. Prior permission must therefore be obtained before such images are to be used.

Procedures

Before using any image supplied by a third party, it is to be ensured that the third party owns the copyright and that consent has been given in writing by the individual(s) concerned to use the image. Where a third party provides such photographs/images, they will be obliged to confirm in writing that they have the express consent of the parent or carer to use the said image, where applicable.

Use of images of children by the media

Statement of intent

There may be occasions where the press is invited to a planned event to take photographs of the children and young people who are to take part. It should be noted that the press enjoy special rights under the Data Protection Act, which permit them to publish material for journalistic purposes. Generally, parents and carers will take pride in 'press cuttings'. For the majority, this pride will often outweigh any fears about the image and/or information being subject to misuse.

Parents may object to information about, and images of their children being published. As a result, it is to be ensured that parental/ carer consent will be sought before the press is to be given any access to children. Should a parent or carer choose not to give permission for their child to be photographed in such circumstances their rights must be observed at all times.

Procedures

The manner in which the press will use the images is to be controlled through relevant industry codes of practice as well as the law. In this way a check is to be put on the potential improper use of images of children by the press.

Additional checks will also be carried out by the SDPS. This will ensure that broadcasters and press photographers are made aware of the sensitivity which must be considered in respect of detailed captioning, one to one interview and close up sports photography.

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Where a press photographer is invited to celebrate an event, every effort will be made in advance to ensure that the newspaper or other relevant media requirements are able to be met.

Responsibility and liability cannot be held for the actions of third party organisations, should they choose not to abide by the agreement once in place.

Consideration will therefore be given to the requirements of the press before any planned event. Parental/carer permission /opinion will be the key factor in making a decision as to whether the press will be invited or not. This may mean that only those children whose parents or carers will be happy for photographs to be published can be given the opportunity to be involved in such events.

Should it not be considered possible or appropriate to limit the children who are to be photographed, efforts will be made to negotiate a revised agreement with the press which must be deemed acceptable to all parties. Should it not be possible for such an agreement to be reached the option of newspaper publicity will have to be forgone.

The identity of any press representative will be verified. Access will only be permitted with authorisation from the SDPS. No authorisation will be given to unscheduled visits from the press.

In the event that press should turn up uninvited, for reasons beyond the control of the setting, every reasonable effort will be made to ensure that the children and parents are protected from any press intrusion.

Every effort will be made to ensure the press abide by any specific guidelines should they be requested by the setting.

No responsibility or liability can be claimed for situations beyond reasonable control, and where the setting is considered to have acted in good faith.

Use of a professional photographer

Statement of intent

It will be ensured that any professional photographer who is to be engaged to record any events will be prepared to work according to the terms of this policy document and the following guidelines:

- In the context of data protection legislation, the photographer will be considered a 'data processor' and any agreement with them will be in accordance with the Data Protection Act 2018.
- Photographers will only be used where they guarantee to act appropriately to prevent unauthorised or unlawful processing of images; and will insure accidental loss or destruction of, or damage to personal data.

Procedures

Photographers will be asked to ensure:

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- compliance with the Data Protection Act 2018
- images are only to be used for a specified purpose and will not be used in any other context.
- images will not be disclosed to any third party unless it is to be a specified requirement to do so in order to fulfil the requirements of the agreement. Such use will also be subject to parental/ carer permission.

Only reputable photography agencies and/or professional photographers will be used.

Evidence of authenticity will be required. Photographic identity will be checked on arrival.

Should there be any concerns in respect of the authenticity of any photographer, entry will be refused.

Photographers are to be treated as any other visitor. As such, appropriate levels of supervision will be in place at all times, this will ensure that no unsupervised access to children will be given.

Children photographing each other

Statement of intent

Children may on occasion be given the opportunity to photograph each other and their surroundings. Children may also be given access to cameras within the setting environment to support their learning and development needs. These activities will be encouraged in a safe and enabling environment

Procedures

Practitioners will be required to discuss and agree appropriate acceptable use rules with the children regarding the appropriate use.

The right of parents and carers to take photographs and videos

Statement of intent

Parents and carers will not be covered by the Data Protection Act 2018 if they are to take photographs or make a video recording for their own private use.

Nursery refuses parents and carers the opportunity to take photographs and make videos on the grounds of health and safety and safeguarding. This right is implemented as it is considered a potential risk.

Website

Statement of intent

It may be interpreted that the posting of images on our websites raises particular issues. Surrounding manipulation and circulation.

Procedures

No image is posted on our webpage without written parent consent.

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If a parent after giving consent wishes for the image to be removed it will be done so immediately

Floor Books

Statement of intent

Under the Early Years Foundation Stage, practitioners are encouraged 'to track children's progress, (and have).... a system for channelling the wealth of information gathered about individual children into a manageable summary.

Detailed individual observations of self-initiated activity in a particular context, photos and special moments contained in a child's portfolio all document the children's key group learning 'floor Books'.

Floor books and displays are to be used to document learning and development progress of the children.

Procedures

The information contained within the floor books relates to individual, identifiable child; therefore, it is to be treated as personal data. This means that such information is to be stored securely when not in use.

The aim will be to avoid unauthorised access to potentially sensitive data.

Consent is obtained from parents and carers should their child be photographed amongst a group of children.

It will be anticipated that this will be a regular occurrence as group activity shots are to be encouraged. Where possible, therefore, 'blanket' consent will be requested from parents and carers for group imaged to be included in the floor books of other key groups.

Parents and carers will be given the option to view any images before they are to be included in any floor book, should they request to do so. Parents and carers will also be permitted to restrict their consent.

Should it not be possible to obtain consent, the relevant image will not be shared across other key person floor books.

Floor books, although to be constructed by key persons are for the benefits of each child and their parents and carers. Parents and carers are therefore to be given the responsibility for choosing what to do with any personal data contained in each floor book. However, parents are made aware that they are not permitted to 'publicise' another child without the express agreement of the parent or carer concerned.

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Parents and carers must therefore be reminded that they must not share, distribute or display said images without relevant authorisation and consent from the parents and carers of all children captured in any of the photographs.

Practitioners training portfolios

Statement of intent

During training, practitioners may be required to compile portfolios which will be used to document and evidence their own learning. Part of this documentation is likely to include images of the practitioner working alongside children participating in various activities.

Should such evidence be required, parent or carer consent will be requested.

The Senior Designated Person for Safeguarding is to have a duty of care to ensure practitioners are to act responsibly in compiling the images to be included in training portfolios. Practitioners will therefore be monitored in their taking, making and use of such images.

All images will be subject to scrutiny and regular audits will be carried out to ensure all relevant policies and procedures are to be adhered to.

Procedures

The Senior Designated Person for Safeguarding will oversee the compilation of images which are to be used by practitioners when completing training portfolios.

Any images which are to be deemed unsuitable for any reason will not be included.

Displaying images

Statement of intent

It will be ensured that still images (including those which are to be displayed in digital photo frames) and video clips are to depict children in an appropriate way.

The identity of individual children will be protected.

Particular caution is taken where images are to be displayed in a public place. (The definition of a public place is to include any areas where parents and carers, members of the public visitors to be given access).

Procedures

Documentation panels are encouraged and will include, for example, photographs, observation notes and transcripts of children's communications. Information included may be personal to an individual child and should not be considered for public information.

Care is taken to ensure individual children are not identifiable.

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Children will not be named if their photograph is to be displayed; and transcripts of communications (which may add to a child's personal profile) are to be placed randomly across the documentation panel.

Transcripts are not attributed to individual children.

Should observation notes relating to individual children be displayed, confidentiality must be observed at all times. Where necessary, this is to involve the removal of personal information.

Photographs of children must be purposeful and show them in an appropriate context.

Storage and disposal

Statement of intent

Images are to be stored and disposed of securely. The aim will be to prevent unauthorised access, ensure confidentiality and protect identity.

All images are to be stored and disposed of in line with the Data Protection Act 2018.

Procedure

Images will not be kept for longer than is to be considered necessary. The Senior Designated Person for Safeguarding is to ensure all photographs are to be permanently wiped from memory cards, computer hard and portable drives or other relevant devices once the images will no longer be of use.

Should images need to be kept for a short period of time, they must be protectively stored and password protected on the computer hard drive or other appropriate storage device. Such equipment will be stored securely and access will be restricted.

Photographs will only be stored on portable storage devices for a temporary period.

Express permission must be obtained from the SDPS and effective security measures must be in place.

Security measures are to be the same that apply to any personal data and means that such data:

- Must be classified as protected, restricted or confidential.
- Must be marked for relevant disposal.

All images, including those held within floor books will remain on site at all times, unless prior explicit consent has been given by both the Senior Designated Person for Safeguarding and the parent or carer of any child or captured in any photograph.

Should permission be given to take images off site, all relevant details are to be recorded, for example, who, what, when and why?

Photographs must be disposed of should they no longer be required. It must be ensured that they will be returned to the parent or carer, deleted and wiped or shredded as appropriate.

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Copies are not to be taken of any images without relevant authority and consent from the Senior Designated Person for Safeguarding and the parent or carer.

A record of all consent details is to be kept on file. Should permission be withdrawn at any time, all relevant images will be removed and disposed of. The record will be updated accordingly.

Security

Statement of intent

All images are to be handled as personal data and deemed to be of a sensitive and confidential nature. It is recognised that damage or distress could be caused if security is to be breached. The responsibility of being in a position of trust in handling such data must therefore be taken seriously.

The Senior Designated Person for Safeguarding is to be responsible for ensuring all information is handled appropriately and securely. Should there be any concerns over breaches of security, the Senior Designated Person for Safeguarding and/or the Management Committee will be required to undertake an investigation as is to be deemed appropriate. All such incidents are to be recorded and where necessary reported to the relevant authorities.

Any actions which are to be identified as a result of any investigations must be implemented with immediate effect.

Procedures

Under the Data Protection Act 2018, reasonable steps must be taken to ensure the reliability and suitability of any individual who is to have access to personal data.

Practitioners are therefore considered to be in a responsible position of trust. To this effect, effective safer recruitment procedures are to be applied.

Rigorous and regular checks are also to be undertaken to ensure the on-going suitability of all new and existing practitioners.

All relevant checks are completed before any new employee, volunteer or student is to be given access to children and/or their personal data. All team members are to be required to follow confidentiality and information sharing procedures, which is agreed to at the time of induction.

The following aspects of security are to be managed accordingly:

- Physical security – effective measures are to be put in place to ensure physical security and to protect against theft, including that of laptops, computers, cameras, and any personal data, including photographic images.
- Computer security – stringent measures are to be implemented to ensure computer security.
- Awareness will be raised in respect of technological advancements which could put online systems at risks.

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- Security will be updated as and when it is to be required
- Security procedures are to be proportionate to the potential risks involved and must be subject to constant monitoring and review.

Designated person responsible: B. Draper

Date:

Date of policy review: Spring 2025